

AMENDED IN SENATE MAY 16, 2007

SENATE BILL

No. 880

Introduced by Senator Calderon

February 23, 2007

An act to amend, *repeal, and add* Section 653o of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 880, as amended, Calderon. Crime.

Existing law provides that it is a crime to import for commercial purposes, possess with intent to sell, or sell any part or product of the dead body of a kangaroo punishable by a fine between \$1,000 and \$5,000, imprisonment in the county jail not to exceed 6 months, or both fine and imprisonment, for each violation.

This bill would ~~define "kangaroo" for the purposes of these provisions,~~ *until January 1, 2011, provide that these provisions shall not apply to kangaroos that may be harvested lawfully under Australian national and state law, the federal Endangered Species Act of 1971, and applicable international conventions, provided that the Department of Fish and Game is annually informed of statistical information regarding the commercial harvest of kangaroos, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 653o of the Penal Code is amended to
2 read:

653o. (a) It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey, kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or porpoise (*Delphinidae*), Spanish lynx, or elephant.

(b) Commencing January 1, 2010, it shall be unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any crocodile or alligator.

~~(c) For purposes of this section, "kangaroo" means those species of kangaroo that are included under either of the following:~~

~~(1) The federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).~~

~~(2) The Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, 27 U.S.T. 1087 and its appendices.~~

(c) (1) This section shall not apply to kangaroos that may be harvested lawfully under Australian national and state law, the federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531 et seq.), and applicable international conventions, provided that the Department of Fish and Game is annually informed by the Australian government that the commercial harvest of kangaroos in any future year will not exceed the official quota established for 2007 and what the lawful take of kangaroos is in each subsequent year.

(2) If the department fails to received the report described in paragraph (1), the department shall inform the Australian national government that future importation of kangaroos that otherwise may be harvested lawfully under Australian national and state law, the federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531 et seq.), and applicable international conventions shall be halted and their importation into this state for commercial purposes, possession with intent to sell, or sale within the state will be subject to the provisions of this section.

(d) Any person who violates any provision of this section is guilty of a misdemeanor and shall be subject to a fine of not less than one thousand dollars (\$1,000) and not to exceed five thousand

dollars (\$5,000) or imprisonment in the county jail not to exceed six months, or both fine and imprisonment, for each violation.

(e) The prohibitions against importation for commercial purposes, possession with intent to sell, and sale of the species listed in this section are severable. A finding of the invalidity of any one or more prohibitions shall not affect the validity of any remaining prohibitions.

(f) *This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.*

SEC. 2. *Section 653o is added to the Penal Code, to read:*

653o. (a) *It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (Canis lupus), zebra, whale, cobra, python, sea turtle, colobus monkey, kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or porpoise (Delphinidae), Spanish lynx, or elephant.*

(b) *Commencing January 1, 2010, it shall be unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any crocodile or alligator.*

(c) *Any person who violates any provision of this section is guilty of a misdemeanor and shall be subject to a fine of not less than one thousand dollars (\$1,000) and not to exceed five thousand dollars (\$5,000) or imprisonment in the county jail not to exceed six months, or both the fine and imprisonment, for each violation.*

(d) *The prohibitions against importation for commercial purposes, possession with intent to sell, and sale of the species listed in this section are severable. A finding of the invalidity of any one or more prohibitions shall not affect the validity of any remaining prohibitions.*

(e) *This section shall become operative on January 1, 2011.*